

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THOMAS HENRY,

Plaintiff,

-v-

9:19-CV-1059

DAVID DINELLO,

Defendant.  
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APPEARANCES:

OF COUNSEL:

Thomas Henry  
Plaintiff, Pro Se  
19711  
Cayuga County Jail  
7445 County House Road  
Auburn, NY 13021

HON. LETITIA JAMES  
New York State Attorney General  
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Albany, NY 12224

KONSTANDINOS D. LERIS, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Thomas Henry ("plaintiff") filed this action alleging that defendant violated his civil rights at Gouverneur Correctional Facility. On January 12, 2021, U.S. Magistrate Judge Therese Wiley Dancks advised by Report & Recommendation that defendant's motion to dismiss and for summary judgment be denied. Dkt. No. 27. Neither

party has filed an objection. Upon review for clear error, the Report & Recommendation is accepted and adopted in all respects. See FED. R. CIV. P. 72(b).

Therefore, it is


ORDERED that

1. Defendant's motion to dismiss and for summary judgment is DENIED.

The Clerk of the Court is directed to serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 4, 2021  
Utica, New York.

  
United States District Judge